

HOUSE BILL No. 1208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-5-2.

Synopsis: School latch key programs. Requires the contract between a school corporation and an entity providing a program of before and after school care (commonly called a "latch key" program) to be in writing. (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

Effective: July 1, 2001.

Crawford

January 9, 2001, read first time and referred to Committee on Education.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1208

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-5-2-1.2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.2. (a) Each school
3 corporation shall conduct an educational program for all children who
4 reside within the school corporation in kindergarten and in grades 1
5 through 12. During the 1990-91 school year, each school corporation
6 may provide each preschool child with a disability with an appropriate
7 special education as required under IC 20-1-6-14.1 using local or
8 available federal funds. Beginning with the 1991-92 school year, each
9 school corporation shall provide each preschool child with a disability
10 with an appropriate special education as required under IC 20-1-6-14.1
11 only if the general assembly appropriates state funds for preschool
12 special education.
13 (b) Each school corporation may:
14 (1) conduct an educational program for adults and children over
15 fourteen (14) years of age not attending a program under
16 subsection (a);
17 (2) provide instruction in vocational, industrial, or manual

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training;

(3) provide libraries for the schools of the school corporation;

(4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;

(5) provide vacation school and recreational programs;

(6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and

(7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) Each school corporation shall develop a written policy that provides for:

(1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods of time before school is in session or periods when school is not otherwise in session (commonly referred to as latch key programs) and is offered by the school corporation; or

(2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the types of programs described in subdivision (1) by nonprofit organizations or for-profit organizations.

(d) The written policy required under subsection (c) must address compliance with certain standards for reasonable care for children served under a child care program offered under this subsection, including:

(1) requiring the offering entity to acquire a particular amount of liability insurance; and

(2) establishing maximum adult to child ratios governing the overall supervision of the children being served.

If a school corporation implements the school corporation's own child care program or enters into a contract to provide these programs, the school corporation may not assess a fee for the use of the building, **and the contract between the school corporation and the entity providing the program must be in writing.** However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other added costs directly attributable to the use of the buildings for the programs. In addition, if a school corporation offers the school corporation's own child care program, the school corporation may assess a fee to cover the costs attributable to implementing the

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1 program.

2 (e) The powers under this section shall be construed as purposes as
3 well as powers.

4 SECTION 2. IC 20-5-2-1.5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a)
6 Notwithstanding section 1.2 of this chapter, except as provided in
7 subsection (c), and beginning with the 1992-93 school year, each
8 school corporation shall do one (1) of the following:

9 (1) Conduct a school age child care program (commonly referred
10 to as a latch key program) for children who attend kindergarten
11 through grade 6 that, at a minimum:

12 (A) operates after the school day and may include periods
13 before school is in session or periods when school is not
14 otherwise in session and is offered by the school corporation;
15 and

16 (B) is available to all children in the applicable grade levels
17 within the school corporation.

18 (2) Contract with a not-for-profit or for-profit organization to
19 conduct the types of programs described in subdivision (1) and
20 that utilize school buildings or parts of school buildings. **A**
21 **contract entered into under this subdivision must be in**
22 **writing.**

23 However, a school corporation is not required to conduct its latch key
24 program or contract for a latch key program for kindergarten students
25 during times in which grades 1 through 6 are in session.

26 (b) Each school corporation shall develop a written policy that
27 addresses compliance with certain standards for reasonable care for
28 children served under a child care program required under subsection
29 (a), including the following:

30 (1) Requiring the offering entity to acquire a particular amount of
31 liability insurance.

32 (2) Establishing maximum adult to child ratios governing the
33 overall supervision of the children being served.

34 A school corporation may not assess a fee for the use of a building in
35 a child care program required under subsection (a). However, the
36 school corporation may assess a fee to reimburse the school corporation
37 for providing security, maintenance, utilities, school personnel, or other
38 added costs directly attributable to the use of the buildings for the
39 programs. If a school corporation offers the school corporation's own
40 child care program, the school corporation may assess a fee to cover
41 the costs attributable to implementing the program.

42 (c) A school corporation shall receive a waiver from the state board

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1 of the requirement under subsection (a) if the school corporation
2 believes that it would experience an undue hardship due to a low
3 number of eligible children intending to utilize the services of the latch
4 key program, regardless of whether the latch key program is conducted
5 by the school or under a contractual agreement. To receive a waiver,
6 the school corporation must include a detailed description of its attempt
7 to implement a latch key program, including the following:

8 (1) A description of the steps taken to conduct its own latch key
9 program or to actively solicit other not-for-profit organizations or
10 for-profit organizations to implement the latch key program.

11 (2) Evidence that a request in writing was made to all parents to
12 contact the school corporation to indicate their willingness to
13 utilize the latch key program and documentation of the results
14 received from parents in this regard.

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